

## **Department of Planning and Development Report of the Director Pioneer Square Public Benefit Amendments**

### Summary of the Proposal

The City Council adopted amendments to the Land Use Code in 2007 that increased the allowable height of a building, in the Pioneer Square Mixed zone (PSM 100/120), in return for an applicant's provision of a public benefit, accommodating a streetcar maintenance base<sup>1</sup> in the building. The height increase was conditioned on vesting to that use (the maintenance base). It was subsequently decided that King County Metro's streetcar maintenance base was to be sited outside that zone. Therefore, even though an applicant had vested to the use (and thus to the increased height) there was no longer a need for the maintenance base at this location. To give recourse to the applicant, DPD is now proposing that an applicant provide a different public benefit (a public restroom) and retain the increased height to which they are vested. Other minor amendments are proposed to clarify roof top use and metrics for green building construction.

### Background and Recommendation

Adopted in 2007, Ordinance 122330 responded to an opportunity to replace the maintenance base for the historic waterfront street car that had been located near Myrtle Edwards Park. That original base was displaced by the construction of the Seattle Art Museum's Olympic Sculpture Park.

The opportunity in 2007 was to replace the maintenance base, incorporating it into a project on a parcel in Pioneer Square. The community had a long-standing goal to see new development on this parcel that would attract new visitors to Pioneer Square – employees, residents and visitors. Incorporating a maintenance base in the project was seen as a potential win-win solution for the City, King County Metro and the Pioneer Square community. The ordinance amended the Land Use Code to recognize that opportunity by allowing additional height for a project that would include a maintenance base.

Although the City's streetcar system will continue to be expanded over time, the opportunity to locate the streetcar maintenance facility in Pioneer Square took a different path, affected by the new First Hill streetcar line. A maintenance base for that line was located in the industrial area south of Pioneer Square. Therefore, although the applicant with ownership control over the Pioneer Square parcel had been willing to incorporate a maintenance base into the project, King County Metro made a different decision about the location of the maintenance base.

---

<sup>1</sup> A streetcar maintenance base is defined at SMC 23.84A.038 "T" (Transportation Facility, (6) (d) ) as: "...a transportation facility in which a fleet of streetcars is stored, maintained, and repaired.

If the maintenance base had been provided as originally envisioned, the floor-to-ceiling dimension of the base would have been approximately 30 feet in height. This height on the ground floor of the building would have taken up floor space that the applicant could otherwise have programmed for other uses, such as retail or tenant amenities.

The current situation in 2013 presents a different public benefit opportunity. The Pioneer Square community has long prioritized the need for a public restroom to help foster greater civility and cleanliness in the area. A public restroom could be provided as a substitute public benefit for the maintenance base that is no longer a possible option. Pioneer Square has had a long standing need for an effective public restroom facility due to the large number of visitors to the area as well as a sizeable street population.

Recent community discussions have focused on the urgent need to promote Pioneer Square as a safe, clean area for residents, businesses and visitors. This goal is also supported in the Pioneer Square Neighborhood Plan.

The community-based Alliance for Pioneer Square has recently focused on the need to provide a public restroom to help achieve these goals. The Alliance has found that the presence of unsanitary conditions in public spaces, including alleys, has affected public perception of Pioneer Square.

The proposed Code amendment would continue to allow a property owner additional structure height up to 130 feet, allowed by Ordinance 122330, in return for acquisition and installation of a public restroom facility meeting City standards. An appendix to this report details information on the siting, financing and maintenance responsibilities for such a facility. Under this text amendment, an applicant would be able to re-dedicate the space originally allotted for the streetcar maintenance base to other uses permitted in the zone.

As a condition of achieving the higher height limit, the applicant would, within 6 months from the effective date of the ordinance, acquire and install the public restroom facility that meets City-approved standards, is connected to City water and sewer mains, meets ADA requirements, and that complies with all applicable permitting requirements. This would include a Certificate of Approval for design and location by the Pioneer Square Preservation Board. Final costs would be dependent in part on proximity of the utilities (water, sewer and electrical power) required for permanent installation.

There are two other minor amendments to 23.66.140.C; providing greater flexibility in the allocation of rooftop space among building tenants, and adding a more rigorous sustainability requirement of a LEED Gold rating (replacing the less specific 2% energy savings required by current Code). An independent consultant has confirmed to DPD that the LEED Silver rating is at least as stringent a requirement as that in the existing Code, therefore changing to LEED Gold would be even higher. The City Council has also indicated their support for LEED Gold is a general expectation rather than LEED Silver, which has become a construction industry standard.

The original intent for the provisions allowing “enclosed rooftop common recreation areas” was to promote more active use of building roofs and provide a unique opportunity to showcase sustainable features that may be incorporated on the top of new development. The proposed amendments are consistent with the original intent of allowing use of the rooftops and would provide more flexibility for building tenants to occupy the rooftop space. The new term proposed to be used is “enclosed rooftop recreational space.” Using this term will prevent confusion with a similar term “common recreation areas” that refer to amenity requirements required downtown for residential use.

### Recommendation

The existing Code provision allowing additional structure height in return for a street car maintenance facility is no longer viable. This text amendment allows a property owner to work with community groups in the Pioneer Square neighborhood to creatively solve a long-standing need for a well-maintained and monitored public restroom. Other minor amendments will help facilitate the development of the project. Accordingly, DPD recommends approval of the proposed Code amendments.

## Attachment to the Director's Report - Pioneer Square Public Restroom Procurement and Siting Process

### Introduction

There is a long standing need in Pioneer Square for the provision of effective public restroom facilities to address the continuing problems of human waste. The City attempted to address this need through the installation of an automatic public toilet (APT) in 2002. While that program proved unsuccessful and was terminated with the removal of the facility in 2008, the need remains.

In 2009 - 2010, in recognition that Pioneer Square was hard hit by the economic recession, City departments collaborated with the Pioneer Square community in the formation of an economic revitalization plan: Pioneer Square 2015 - A Strategy for Seattle's First Neighborhood. The Plan, published in June 2010, calls for the City and the neighborhood to work together to develop adequate public restroom facilities among other actions.

City staff and a community committee have conducted an analysis of alternatives and sites, as described below.

### Background

The presence of human waste in public spaces, including alleys, has affected public perception of civil behavior and cleanliness in Pioneer Square for many years. Previous efforts to address the need for well-functioning public restroom facilities in Pioneer Square have not been successful. In 2002 the City of Seattle entered into a contract for five Automated Public Toilets (APTs), one of which was located in Pioneer Square. After subsequent problems with use of the toilet for unintended purposes such as washing clothes, drug use and prostitution, the toilet was removed in 2008. Prior to this, Fire Station Headquarters (formerly Fire Station 10, located at 301-2nd Ave South) offered public restrooms. These were closed due to misuse of the facilities for drug deals and other inappropriate activities.

DPD has worked with a community committee convened by the Alliance for Pioneer Square (APS) in the assessment of restroom options and sites. The Committee's membership includes a cross section of Pioneer Square residents, employees, business owners and non-profit service providers. The process has led to a specific site and choice of facility that will be safe and convenient and assist in achieving neighborhood goals.

Members of the APS and City staff mapped publicly accessible restroom facilities in or near Pioneer Square. The survey indicated that available restrooms such as in King Street Station and Colman Dock were at the periphery of the neighborhood. Others, such as in the Klondike Gold Rush Museum, are available only during times that the business is open. None provide continuous availability in the neighborhood's center.

### Facility Options

The committee focused on three alternatives: making physical changes to the Fire Headquarters building restrooms to improve safety, building a new structure in Occidental Park that would combine Parks' concierge service with restrooms, and installing a "Portland Loo" unit. Analysis by City staff found that both the Fire Station HQ restrooms and the concierge structure would require staffing to ensure safety, adding approximately \$117,000 annually for daily 12-hour staffing shifts. Capital costs are estimated to be \$150,000 for the Fire HQ restroom improvements and more than \$500,000 to build the concierge kiosk facility. Neither would be open 24 hours a day and 7 days a week.

An attractive alternative has emerged from this research and analysis. The Portland Loo is manufactured under license from the City of Portland and costs \$90,000 per unit. Installation costs range from approximately \$10,000 – \$30,000 depending upon site conditions (proximity of utilities, etc.). The Loo is designed to be operable 24 hours a day and 7 days a week and does not require staffing. Its design embraces crime prevention through environmental design (CPTED) principles with strong lighting, louvers that provide functional privacy without obscuring facility patrons and a hand washing facility on the outside of the unit to prevent bathing inside.

Portland researched problems that other cities (including Seattle) experienced with public restroom facilities to inform its design process. While the City of Portland never utilized APTs, they experienced similar public safety problems with "brick and mortar" public restrooms. Portland has recently installed its seventh Loo and is very pleased with how well the program is working. City officials indicate that the combination of smart design and careful siting has been the key to their success. City of Seattle staff traveled to Portland to tour the Loo sites and talk to program staff. In addition, Portland's Loo program manager has met with City staff and participated in a walking tour of Pioneer Square to offer advice on suitable locations. The City of Portland's annual servicing costs including regular cleaning and maintenance are about \$17,000 per unit. These costs of regular cleaning and maintenance have been preliminarily confirmed with Cleanscapes, a local vendor. The committee and City staff agree that a Portland Loo or similar option is the preferred public restroom type.

### Siting and Installation Process and Long-Term Ownership

The committee identified four prospective locations: a curb bulb at the NE corner of S. King Street and Occidental Avenue South; a curb bulb adjacent to Union Square Park at the NE corner of the intersection of 3<sup>rd</sup> Avenue South and South Jackson; a curb bulb adjacent to Occidental Park in South Main Street; and a curb bulb in the roadway at the intersection of James Street and Yesler Way immediately west of the Sinking Ship garage. The committee unanimously selected the Yesler and James location as it is centrally located and in a high visibility/high foot traffic location.

The Pioneer Square Preservation Board has approved the design of the Portland Loo as appropriate for Pioneer Square and recently expressed strong support for the proposed location.

The Board will need to issue a certificate of approval during the Street Improvement Permit (SIP) process. SDOT's Transportation Engineer has approved the siting at this location, stating that it will not adversely impact traffic movement or driver safety.

The SIP process will include notification of nearby neighbors. SPU has provided information indicating that water and wastewater infrastructure is nearby and accessible. SCL is assessing feasibility of connecting to nearby electrical infrastructure. The units provide a solar power option.

DPD has spoken with representatives of retail stores in the immediate vicinity of the preferred site. All commented on the need and all but one expressed support for the proposed site. The APS and DPD held a public meeting on May 15, 2013 to present the proposal to the broader Pioneer Square community and respond to questions. The meeting provided an opportunity to discuss the ongoing need for an accessible restroom facility and to answer questions about the restroom and siting options that were considered. There was general acknowledgement of the need for a restroom facility. The owner of one business near the proposed site expressed opposition to that location. She previously managed a business near the APT and is concerned that similar public safety problems will be associated with a Loo. She also stated that she didn't want customers in her sidewalk café across the street from the proposed site to have to look at a toilet.

Loo acquisition and installation is anticipated to be provided as a public benefit requirement for a mixed use building. After installation, the developer will deed the Loo unit to the Department of Finance and Administrative Services (FAS) who has been identified as the long-term owner of the restroom facility. FAS and SDOT will formalize permission for the Loo to occupy space in the right-of-way through a memorandum of agreement (MOA).

Prior to installation, FAS will enter into a lease agreement with the APS that will stipulate the Alliance's responsibility for procuring and paying for necessary daily cleaning services, ongoing maintenance and water, power and wastewater expenses. The initial lease will run for a period of 5 years, with annual renewals at FAS's option. After five years, the Alliance may terminate the lease by removing the restroom facility, or leaving the facility at FAS's option, which may include identifying a new operator, operating the facility themselves, or removing the facility.

#### Recommendation

The City of Portland's experience suggests that the Portland Loo is the product of creative application of Crime Prevention Through Environmental Design principles and has great potential to be an effective part of the solution to addressing ongoing needs for a safe, accessible public restroom facility in Pioneer Square. Installing a Loo in Pioneer Square also provides an opportunity to assess its potential to serve similar needs in other neighborhoods. Consequently, DPD recommends supporting the acquisition and installation of a Portland Loo in Pioneer Square.

Director's Report  
Pioneer Square Public Benefit Amendments  
Version 6 – Environmental Review Draft  
May 28, 2013

## Table of Estimated Costs

### Portland Loo Cost Estimates

Up Front Costs		
Expense	Amount	Notes
Acquisition	\$90,000	3% discount for three or more units
Shipping	\$400	This is a low end estimate based on shipping the unit from Portland to Seattle via carrier for hire.
Installation	\$10,000 to \$25,000	Based on Portland Water Bureau's estimates. Dependent on site location, preparation and proximity to utilities.
<b>Total</b>	<b>\$100K to \$125K</b>	

Annual Operating Expenses		
Expense	Amount	Notes
Cleaning and Maintenance	\$14,400	Based on Portland's contract with Downtown Clean and Safe (Portland's version of the Metropolitan Improvement District).
Electricity	\$250	Based on six months of experience in Portland. Depending on location, Loos can be solar powered.
Water/Sewer	\$620	Based on experience of 5 Portland Loos.
Other Maintenance and Materials	\$2,700	Based on experience of 5 Portland Loos.
<b>Total</b>	<b>\$18K</b>	

All estimates are derived from information provided by City of Portland 08/30/12.